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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,519

02/18/2004

Tom D. Judd

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EXAMINER

JAKOVAC, RYAN J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/782,519	Applicant(s) JUDD ET AL.	
	Examiner Ryan J. Jakovac	Art Unit 4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communications filed on 02/18/2004.

Claims 1-39 are pending.

Claims 1-39 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5, 6, 8, 10-12, 14, 15, 17, 19-21, 23-25, 27, 30, 31, 33, 35, 36, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application EP 0 981 088 A1 to Paul Damian Tidwell (hereinafter Tidwell).

Regarding claim 1, Tidwell teaches a method comprising: a. receiving a message formatted according to Abstract Syntax Notation One (ASN.1); and b. decoding the received message based on a previously stored configuration information file (CIF) (Paragraph [0025], The ASN.1 decoder/encoder program module decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF).).

Regarding claim 2, Tidwell teaches the method of claim 1, wherein the received message is formatted according to an ASN.1 compatible encoding rule (Paragraph [0034], Basic Encoding Rules and Packet Encoding Rules are used in forming a ASN.1 message.).

Regarding claim 3, Tidwell teaches the method of claim 1, wherein the CIF includes schema of the ASN.1 formatted message (Paragraph [0024-0025], The ASN.1 decoder/encoder program module receives and decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF).).

Regarding claims 5, 30, and 35 Tidwell teaches the methods of claims 1 and 30, and the system of claim 35, further comprising: encoding a message formatted according to ASN.1, wherein encoding is based on the CIF; and transmitting the encoded message (Paragraph [0025], The ASN.1 decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF) for transmission across the communication channel.).

Regarding claims 6, 31, and 36 Tidwell teaches the methods of claim 5 and 30, and the system of claim 35, wherein encoding the message is performed according to an ASN.1 compatible encoding rule (Paragraph [0034], Basic Encoding Rules and Packet Encoding Rules are used in forming a ASN.1 message.).

Regarding claim 8, 33, and 38 Tidwell teaches the method of claims 7 and 32, and the system of claim 37 wherein transmitting and receiving are performed according to a datalink protocol (Paragraph [0011-0015], ISDN is used in transmitting and receiving.).

Regarding claim 10, Tidwell teaches a system comprising: a means for receiving a message formatted according to Abstract Syntax Notation One (ASN.1) (Paragraph [0025], ASN.1 Message is received on the communication channel.); a memory for storing and accessing a configuration information file (CIF) (Paragraph [0042] and Fig. 6, Memory.); and a means for decoding the received message based on the stored CIF (Paragraph [0025], The ASN.1 decoder/encoder program module decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF).).

Regarding claim 11, Tidwell teaches the system of claim 10, wherein the received message is formatted according to an ASN.1 compatible encoding rule (Paragraph [0034], Basic Encoding Rules and Packet Encoding Rules are used in forming a ASN.1 message.).

Regarding claim 12, Tidwell teaches the system of claim 10, wherein the CIF includes schema of the ASN.1 formatted message (Paragraph [0025], The ASN.1 decoder/encoder program module decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF).).

Regarding claim 14, Tidwell teaches the system of claim 10, further comprising: a means for encoding a message formatted according to ASN.1, wherein encoding is based on the CIF; and a means for transmitting the encoded message (Paragraph [0025], The ASN.1 decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF) for transmission across the communication channel.).

Regarding claim 15, Tidwell teaches the system of claim 14, wherein the means for encoding encodes the message according to an ASN.1 compatible encoding rule (Paragraph [0034], Basic Encoding Rules and Packet Encoding Rules are used in forming a ASN.1 message.).

Regarding claim 17, Tidwell teaches the system of claim 16, wherein transmitting and receiving are performed according to a datalink protocol (Paragraph [0011-0015], ISDN is used in transmitting and receiving.).

Regarding claim 19, Tidwell teaches a system comprising: a receiver configured to receive a message (Paragraph [0025], ASN.1 messages are received on the communications channel) formatted according to Abstract Syntax Notation One (ASN.1) using an ASN.1 compatible encoding rules (Paragraph [0024], Messages are formed according to ASN.1 compatible encoding rules.); a memory configured to store a

configuration information file (CIF) (Paragraph [0042] and Fig. 6, Memory.); and a processor coupled to the receiver and the memory (Paragraph [0042] and Fig. 6, CPU.), the processor being configured to decode the received message based on the stored CIF (Paragraph [0025], The ASN.1 decoder/encoder program module decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF).).

Regarding claim 20, Tidwell teaches the system of claim 19, wherein the ASN.1 compatible encoding rule includes at least one of Basic Encoding Rules (BER) or Packed Encoding Rules (PER) (Paragraph [0024], Basic Encoding Rules and Packed Encoding Rules are used to encode ASN.1 messages.).

Regarding claim 21, Tidwell teaches the system of claim 19, wherein the CIF includes schema of the ASN.1 formatted message (Paragraph [0025], The ASN.1 decoder/encoder program module decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF).).

Regarding claim 23, Tidwell teaches the system of claim 19, wherein the processor comprises a component configured to encode a message formatted according to ASN.1 based on the CIF (Paragraph [0025], The ASN.1 decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF).).

Regarding claim 24, Tidwell teaches the system of claim 23, further comprising a transmitter configured to transmit the encoded message (Paragraph [0025], The ASN.1 decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF) for transmission across the communication channel.).

Regarding claim 25, Tidwell teaches the system of claim 23, wherein the component configured to encode encodes the message according to an ASN.1 compatible encoding rule (Paragraph [0025], The ASN.1 decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF).).

Regarding claim 27, Tidwell teaches the system of claim 26, wherein the receiver and transmitter perform data reception and transmission according to a datalink protocol (Paragraph [0011-0015], ISDN is used in transmitting and receiving.).

Regarding claims 4, 13, and 22, Tidwell teaches the method of Claim 3, the system of claim 12, and the system of claim 22 wherein the CIF further includes a means for defining new messages without updating associated operational software (Paragraph [0025], The ASN.1 decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF) for transmission across the communication channel.). .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9, 18, 28, 34, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tidwell in view of applicant's admitted prior art (Judd et al, US 20050181787, Paragraph [0021]).

Regarding claims 9, 18, 28, 34, and 39 Tidwell teaches the method of claims 8 and 33 and the system of claims 17, 27, and 38, Tidwell does not teach but the applicant's prior art teaches wherein the datalink protocol includes an aeronautical datalink protocol.

The applicant's admitted prior art in paragraph [0021] discloses that ACARS and ATN are well known in the art and that ACARS is the traditional aeronautical datalink protocol.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made combine wherein the datalink protocol includes an aeronautical datalink protocol as taught by the applicants admitted prior art with the system of Tidwell in order to provide the additional functionality and standards of ATN or ACARS.

3. Claim 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Tidwell in view of US 5,917,900 to Allison et al (hereinafter Allison).

Regarding claim 29, Tidwell teaches the system of claim 27, Tidwell does not teach but Allison teaches wherein the datalink protocol includes the Transmission Control Protocol/Internet Protocol (TCP/IP) (Col. 3, line 45-60, The customer access point uses the ASN.1 format over TCP/IP).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the datalink protocol includes the Transmission Control Protocol/Internet Protocol (TCP/IP) as taught by Allison with the system of Tidwell in order to be able to interface with a carriers intelligent call routing system (Allison, Col. 3, line 45-60.).

4. Claims 7, 16, 26, 32, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tidwell.

Regarding claims 7, 16, 26, 32, and 37 Tidwell teaches the system of claims 5, 14, 19, method of claim 30, and the system of claim 35, Tidwell does not expressly teach wherein the system is located on an aircraft. However, the applicant's admitted prior art in paragraph [0021] discloses that ACARS and ATN are well known in the art and that ACARS is the traditional aeronautical datalink protocol. As described above it

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would have been obvious to one of ordinary skill in the art at the time of the invention to use ACARS, and since ACARS is an aeronautical protocol it would be obvious to use ACARS with the system on an aircraft.

Furthermore, Tidwell does not expressly disclose the system located on an aircraft. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the nonfunctional descriptive material with the claimed invention because such data does not functionally relate to the steps in the system claimed and because the subjective interpretation of the descriptive material does not patentably distinguish the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan J. Jakovac whose telephone number is (571) 270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T. Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ

/Taghi T. Arani/
Supervisory Patent Examiner, Art Unit 4121
12/4/2007